

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Tyrone Prince,)	C/A No. 5:19-cv-1750-SAL
)	
Plaintiff,)	
)	
v.)	OPINION & ORDER
)	
Nurse Jeter; Lt. Sweat; Lt. James;)	
Sherriff Anthony Dennis; Dr. Felicia)	
Hayward; Lieutenant Martin; and)	
Captain Blanding,)	
)	
<u>Defendants.</u>)	

This matter is before the Court for review of the April 29, 2020 Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West, ECF No. 121, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 (D.S.C.). In the Report, the Magistrate Judge recommends dismissing this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Specifically, Plaintiff failed to respond to Defendants’ pending motions for summary judgment, ECF Nos. 111, 112, and he thereafter failed to respond to the Magistrate Judge’s March 3, 2020 direction to advise whether he wished to continue pursuing this action. Plaintiff objected to the Report on May 18, 2020. ECF No. 123. No Defendant filed objections, and this matter is accordingly ripe for consideration.

The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). To warrant *de novo* review, an objection must “focus on specific issues” so as “reasonably to alert the district court of the true ground for the objection.” *United States v. Midgette*, 478 F.3d 616, 621-22 (4th Cir. 2007). In the

absence of specific, written objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Applying the foregoing standard, Plaintiff’s objections are not specific enough to warrant *de novo* review of any portion of the Report in this case. *See* ECF No. 123. From Plaintiff’s objections, the Court is only able to discern a few partial sentences that do not point toward any particular portion of the Report that Plaintiff wishes to argue is made in error. The Court, therefore, declines to engage in a *de novo* review of the Report and is satisfied that Plaintiff’s claims are properly subject to dismissal for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, this action is DISMISSED with prejudice for failure to prosecute. Defendants’ pending motions, ECF Nos. 111, 112, are DENIED as moot.

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge

July 22, 2020

Florence, South Carolina